

FILED 08/28/06 JUDGE

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF OREGON

JOSEPH R. JOHNSON,

Plaintiff,

Civil No. 04-1382-TC

v.

O R D E R

UNITED AIR LINES, INC.,
a Delaware corporation,

Defendant.

Defendant's motion (#47) for summary judgment is denied. Defendant owed a duty to plaintiff and genuine issues of material fact preclude granting summary judgment at this time.

Even if there were not manifest factual disputes present, it would be better to proceed to a full trial because in the circumstances of this case a fuller record will afford a more substantial basis for decision. See Anderson v. Liberty Lobby, Inc., 477 U.S. 242, 255, 106 S. Ct. 2505, 2513 (1986); Anderson v. Hodel, 899 F.2d 766, 770-771 (9th Cir. 1990).

Conclusion

Defendant's motion (#47) for summary judgment is denied.

DATED this 27th day of August, 2006.

Michael E. Hogan
United States District Judge